REMARKS

In the final Office Action, the Examiner rejected claims 1-11, 24-41, 60-68, and 78 under

35 U.S.C. § 101 as directed to nonstatutory subject matter; rejects claims 1, 2, 7-9, 11-13, 17-20,

22-26, 28-32, 36-45, 47-50, 53-61, and 64-78 as unpatentable on the ground of nonstatutory

obviousness-type double patenting over claims 1, 4, 9-12, 15, 21-25, 27, 28, 30, 35-39, 41-43,

47, 48, 50-53, 58, 60-66, 70, 71, 73-75, 80-83, 86, 87, 89, 90, 92-95, and 98-100 of co-pending

Application No. 10/407,476 (i.e., Lamping et al. (U.S. Patent Application Pub. No.

2004/0194099)); and rejected claims 1-89 under 35 U.S.C. § 102(e) as anticipated by Lamping et

al.

By this Amendment, Applicants cancel claims 2-5, 13-16, 23, 26-28, 41, 43, 44, 59, 62,

63, 70, 71, 77, and 80-82, without prejudice or disclaimer of the subject matter thereof, and

amend claims 1, 6-12, 18-22, 24, 25, 29-36, 38-42, 47-53, 55, 57, 58, 60, 61, 64, 66-69, 72, 74-

76, 78, 79, and 85-89 to improve form. Applicants respectfully traverse the Examiner's double

patenting rejection and the rejections under 35 U.S.C. §§ 101 and 102.[1] Claims 1, 6-12, 17-22,

24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89 are pending.

REJECTION UNDER SECTION 101

In paragraphs 7 and 12 of the final Office Action, the Examiner rejects claims 1-11, 24-

41, 60-68, and 78 under 35 U.S.C. § 101 as allegedly directed to nonstatutory subject matter.

The Examiner states that "[c]laims 1-11, 24-41, 60-68, 78 are directed to a system, however all

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[1] As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

components are software [page 8 lines 10-12] and thus lacking the necessary hardware for any

functionality to be realized it is as such non-statutory." (final Office Action, page 15).

Applicants respectfully traverse the Section 101 rejection.

The USPTO specifically states, in the "Interim Guidelines for Examination of Patent

Applications for Patent Subject Matter Eligibility" (Nov. 22, 2005 O.G. Notice) (hereinafter

"Guidelines"), the following:

> To properly determine whether a claimed invention complies with the statutory invention
> requirements of 35 U.S.C. 101, USPTO personnel must first identify whether the claim
> falls within at least one of the four enumerated categories of patentable subject matter
> recited in section 101 (process, machine, manufacture or composition of matter).
>
> * * *
>
> The burden is on the USPTO to set forth a prima facie case of unpatentability. Therefore
> if the examiner determines that it is more likely than not that the claimed subject matter
> falls outside all of the statutory categories, the examiner must provide an explanation. ...
> If the examiner can establish a prima facie case that a claim does not fall into a statutory
> category, that does not preclude complete examination of the application for satisfaction
> of all other conditions of patentability. The examiner must further continue with the
> statutory subject matter analysis as set forth below.

The Examiner has not made a determination of whether claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-

68, and 78 fall within one of the four enumerated categories of patentable subject matter recited

in Section 101. Applicants respectfully submit that each of independent claims 1, 24, 25, 60, and

78 (and their corresponding dependent claims) falls within one of the four enumerated categories

of patentable subject matter recited in Section 101.

For example, amended independent claim 1 (and dependent claims 6-11) is directed to a

system that includes a country selector dynamically determining at least one preferred country

applicable to search results generated responsive to a search query executed on information in a

data repository and provided from a plurality of search result countries, and an interface

characterizer determining the at least one preferred country using interface characteristics that

comprise at least one country accepted by a user interface from which the search query was

received. The system also includes a search result orderer determining an order for presenting

the search results and adjusting the determined order for at least one of the search results among

other ones of the search results based on whether the at least one of the search results is from the

at least one preferred country. The system further includes a presenter presenting the search

results in the adjusted order. As shown in Figure 2 of the present application, a country biaser

(34) is provided within a search engine (21). The country biaser (34) "determines one or more

preferred countries 39 for each search query 36" and "orders the search results 38 in

consideration of the preferred countries 39". (Specification, page 10, lines 3-8). As shown in

Figure 1 of the present application, search engine (21) is provided within a server (11). Thus,

claims 1 and 6-11 are clearly directed to a "machine" (e.g., a system or a server), which is one of

the four enumerated categories of patentable subject matter recited in Section 101.

Amended independent claim 24 is directed to an apparatus that includes means for

dynamically determining at least one preferred country applicable to search results generated

responsive to a search query executed on information in a data repository and provided from a

plurality of search result countries, and means for determining the at least one preferred country

using interface characteristics that comprise at least one country accepted by a user interface

from which the search query was received. The apparatus also includes means for determining

an order for presenting the search results, means for adjusting the determined order for at least

one of the search results among other ones of the search results based on whether the at least one

of the search results is from the at least one preferred country, and means for presenting the

search results in the adjusted order. As shown above with regard to claim 1, such "means" may

be provided in a server. Thus, claim 24 is directed to a "machine" (e.g., an apparatus or a server), which is also one of the four enumerated categories of patentable subject matter recited in Section 101.

Amended independent claim 25 (and dependent claims 29-41) is directed to a system that includes a parser receiving a search query, and an indexer executing a search by evaluating the search query against information from a plurality of countries that is maintained in a searchable data repository, and identifying search results based on the search. The system also includes a country promoter dynamically determining at least one preferred country applicable to the search results, ordering the search results, and adjusting the ordering of at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country. The system further includes a user interface characterizer determining a country accepted by a user interface, and a country selector selecting the country as the at least one preferred country. Thus, claims 25 and 29-41 are clearly directed to a "machine" (e.g., a system or a server) for at least the reasons set forth above for claim 1, which, again, is one of the four enumerated categories of patentable subject matter recited in Section 101.

Amended independent claim 60 (and dependent claims 61 and 64-68) is directed to an apparatus that includes means for receiving a search query, and means for executing a search by evaluating the search query against information from a plurality of search result countries that is maintained in a searchable data repository. The apparatus also includes means for determining a country accepted by a user interface, means for selecting the country as at least one preferred country applicable to search results generated responsive to the executed search, and means for

ordering at least some of the search results based on the at least one preferred country, where the

order of one of the search results among other ones of the search results is based on whether the

one of the search results is from the at least one preferred country. Thus, claims 60, 61, and 64-

68 are clearly directed to a "machine" (e.g., an apparatus or a server) for at least the reasons set

forth above for claim 1, which, again, is one of the four enumerated categories of patentable

subject matter recited in Section 101.

Finally, amended independent claim 78 is directed to an apparatus that includes means

for receiving a search query request message and parsing at least one of terms or attributes from

the search query request message to identify Web content provided from a plurality of search

result countries, means for executing a search by evaluating the at least one of terms or attributes

against information maintained in a searchable data repository and generating search results

responsive to the executed search, and means for determining at least one preferred country. The

means for determining at least one preferred country includes means for evaluating

characteristics of a user interface, and means for selecting the at least one preferred country

based on the evaluated characteristics. The apparatus further includes means for determining an

order for the search results among other ones of the search results based on whether the search

results are in the at least one preferred country, and means for presenting the search results in the

determined order. Thus, claim 78 is directed to a "machine" (e.g., an apparatus or a server) for

at least the reasons set forth above for claim 1, which, again, is one of the four enumerated

categories of patentable subject matter recited in Section 101.

In light of the foregoing reasons, Applicants submit that the Section 101 rejection of

claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78 is improper.

Furthermore, even assuming, *arguendo*, that claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78 are not directed to one of the four enumerated categories of patentable subject matter recited in Section 101 (a point that Applicants do not concede), independent claims 1, 24, 25, 60, and 78, and their dependent claims, recite a practical application because they provide a transformation of an article to a different state or thing. The Guidelines state that if a claim provides a transformation or reduction of an article to a different state or thing, then the examiner shall end the inquiry and find that the claim meets the statutory requirement of Section 101.

For example, claim 1 recites "a search result orderer determining an order for presenting the search results and adjusting the determined order for at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country." Claims 24, 60, and 78 recite a means for determining an order for presenting the search results. Claim 25 recites adjusting the ordering of at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country. Thus, claims 1, 24, 25, 60, and 78, and their corresponding dependent claims, transform search results into ordered search results based on the at least one preferred country.

For at least these additional reasons, Applicants submit that the Section 101 rejection is again improper for claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78.

Even assuming, *arguendo*, that claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78 do not provide a transformation (another point that Applicants do not concede), claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78 provide a practical application that produces a useful, tangible,

and concrete result. According to the Guidelines, in determining whether a claim provides a

practical application that produces a useful, tangible, and concrete result, the examiner should

consider and weigh the following factors: (1) the USPTO's official interpretation of the utility

requirement provides that the utility of an invention has to be (i) specific, (ii) substantial and (iii)

credible; (2) the tangible requirement does not necessarily mean that a claim must either be tied

to a particular machine or apparatus or must operate to change articles or materials to a different

state or thing; and (3) the process must have a result that can be substantially repeatable or the

process must substantially produce the same result again.

Claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78 provide a useful result in that they

provide ordered search results based on the determined at least one preferred country. Such a

result is useful because it enables a search engine to provide search results biased based on a

determined preferred country, which may be more meaningful to an end user. Claims 1, 6-11,

24, 25, 29-41, 60, 61, 64-68, and 78 produce a tangible real-world result in the form of the

ordered search results based on the at least on preferred country. The results of claims 1, 6-11,

24, 25, 29-41, 60, 61, 64-68, and 78 are also concrete because it may be repeated for any search

results and/or any preferred country, and may permit generation of various types of ordered

search results. Applicants submit that the Examiner's Section 101 rejection of claims 1, 6-11,

24, 25, 29-41, 60, 61, 64-68, and 78 is improper for the further reason that claims 1, 6-11, 24, 25,

29-41, 60, 61, 64-68, and 78 provide a practical application that produces a useful, tangible and

concrete result.

In light of the foregoing, Applicants submit that the Examiner's Section 101 rejection of

claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78 is improper for the further reason that claims

1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78 provide a practical application that produces a

useful, tangible and concrete result.

In paragraph 3 of the final Office Action, the Examiner fails to address the Applicants'

arguments provided above, reiterates the rejection provided in paragraph 7 of the final Office

Action, and further alleges:

> These claims do not indicate use of hardware on which the software runs to perform the
> steps recited in the body of the claim. Software or program can be stored on a medium
> and/or executed by a computer. A useful, concrete, and tangible results must be either
> specifically recited in the claim or flow inherently therefrom. To be useful the claimed
> invention must establish a specific, substantial, and credible utility. To be concrete the
> claimed invention must be able to produce reproducible results. To be tangible the
> claimed invention must produce must produce a practical application or real world result.
> As such, the claims are not limited to statutory subject matter and are therefore non-
> statutory. Rejections as applied under 101 is hereby sustained.

(final Office Action, pages 2 and 3).

As shown by this statement, the Examiner makes the bald allegation that the claims in

issue do not provide useful, concrete, and tangible results, without asserting why the claims do

not provide such results. In contrast, Applicants have more than adequately shown why claims

1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78 provide a practical application that produces a

useful, tangible and concrete result. Furthermore, claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-68,

and 78 are directed to a "machine" (e.g., an apparatus or a server), which is one of the four

enumerated categories of patentable subject matter recited in Section 101, and the Examiner fails

to address this showing. Finally, claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78 recite a

practical application because they provide a transformation of an article to a different state or

thing, which the Guidelines state should end the Section 101 inquiry, and the Examiner fails to

address this point.

If the Examiner maintains this rejection, Applicants respectfully request that the

Examiner explain why claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-68, and 78 do not provide useful,

concrete, and tangible results, are not directed to one of the four enumerated categories of

patentable subject matter recited in Section 101, and do not recite a practical application because

they provide a transformation of an article to a different state or thing.

Based upon the foregoing arguments, Applicants respectfully request that the Examiner

reconsider and withdraw the Section 101 rejection of claims 1, 6-11, 24, 25, 29-41, 60, 61, 64-

68, and 78.

OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

In paragraphs 9 and 10 of the final Office Action, the Examiner rejects claims 1, 2, 7-9,

11-13, 17-20, 22-26, 28-32, 36-45, 47-50, 53-61, and 64-78 under the judicially created doctrine

of obviousness-type double patenting as allegedly unpatentable over claims 1, 4, 9-12, 15, 21-25,

27, 28, 30, 35-39, 41-43, 47, 48, 50-53, 58, 60-66, 70, 71, 73-75, 80-83, 86, 87, 89, 90, 92-95,

and 98-100 of co-pending Application No. 10/407,476. Applicants respectfully traverse this

rejection.

Without acquiescing in the Examiner's rejection, but simply to expedite prosecution,

Applicants submit that the obviousness-type double patenting rejection should be withdrawn in

light of the amendments to the independent claims (i.e., claims 1, 12, 24, 25, 42, 60, 61, 69, and

78). For example, these independent claims incorporate the features (i.e., determining a

preferred country based on user interface characteristics) of canceled claim 3, which was

excluded from the obviousness-type double patenting rejection.

For at least the foregoing reasons, Applicants respectfully request the reconsideration and

withdrawal of the judicially created doctrine of obviousness-type double patenting rejection of

claims 1, 7-9, 11, 12, 17-20, 22, 24, 25, 29-32, 36-40, 42, 45, 47-50, 53-58, 60, 61, 64-69, 72-76,

and 78 as allegedly unpatentable over claims of co-pending Application No. 10/407,476.

REJECTION UNDER SECTION 102(e) BASED ON <u>LAMPING ET AL.</u>

In paragraph 14 of the final Office Action, the Examiner rejects pending claims 1, 6-12,

17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89 under 35 U.S.C. §

102(e) as allegedly anticipated by <u>Lamping et al.</u> Applicants respectfully traverse the rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every

aspect of the claimed invention. Any feature not directly taught must be inherently present. In

other words, the identical invention must be shown in as complete detail as contained in the

claim. See M.P.E.P. § 2131. <u>Lamping et al.</u> does not disclose the combination of features

recited in pending claims 1, 6-12, 17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79,

and 83-89.

First, on page 5 of the final Office Action, the Examiner incorrectly states:

> Applicant asserts that the examiner's use of obviousness-type double patenting rejection
> is an admission by the examiner that "Lamping et al. does not disclose a 'preferred
> country'" This conclusion is incorrect because the examiner did not use Lamping et al. in
> the double patenting rejection.

Applicants are puzzled by the Examiner's allegation that <u>Lamping et al.</u> was not used in the

double patenting rejection. As shown by the cover page of <u>Lamping et al.</u> (reproduced below),

co-pending Application No. 10/407,476 (applied by the Examiner in the obviousness-type

double patenting rejection) is indeed the application that published as <u>Lamping et al.</u> (U.S. Patent

Application Pub. No. 2004/0194099).

Thus, the Examiner applied Lamping et al. in the obviousness double patenting rejection.

Nevertheless, Lamping et al. does not disclose the combination of features recited in pending claims 1, 6-12, 17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89, for the following reasons.

Amended independent claim 1 is reproduced above and incorporates the features of canceled claims 2 and 3. Lamping et al. does not disclose the combination of features recited in claim 1. For example, Lamping et al. does not disclose an interface characterizer determining the at least one preferred country using interface characteristics that comprise at least one country accepted by a user interface from which the search query was received, as recited in claim 1. The Examiner alleged that Lamping et al. discloses an interface characterizer determining the at least one preferred country using interface characteristics that comprise at least one country accepted by a user interface (with respect to claims 2 and 3), and cited paragraphs 77 and 81 of Lamping et al. for support (final Office Action, page 21). Applicants

respectfully disagree with the Examiner's interpretation of Lamping et al.

Paragraph 77 of Lamping et al. describes Fig. 9 and states:

[0077] FIG. 9 is a flow diagram showing the function 120 for evaluating user interface characteristics 44 for use in the routine 90 of FIG. 7. The purpose of this function is to determine any preferred languages 40 based on user interface characteristics.

In this section, Lamping et al. discloses determining a preferred *language* (not country) based on user interface characteristics. Nowhere in this section, or elsewhere, does Lamping et al. disclose an interface characterizer determining the at least one preferred country using interface characteristics that comprise at least one country accepted by a user interface from which the search query was received, as required by claim 1.

Paragraph 81 of Lamping et al. states:

[0081] Otherwise, no language preferences can be determined by either server-side or client-side language preferences. However, a language preference might still be determinable based on information available in the URL 68 and the client location. The location of the IP domain identified in the URL 68 is determined (block 132). For example, a URL 68 specified as "www.acme.at" has an IP domain of ".at," which indicates an Austrian IP domain. However, certain IP domains, such as ".com," are so widely-used that no useful language preference inferences can be drawn. If the URL 68 provides a useful IP domain (block 133), the languages of the country to which the IP domain is assigned is determined (block 134) and returned (135). If not useful (block 133), the location of the client 12 from which the search query 36 was sent is determined (block 136) by evaluating a Client_IP parameter, which can be parsed from the header of the Transmission Control Protocol (TCP) packet within which the search query 36 was sent. The Client_IP parameter provides an IP address, which is a 32-bit numeric address written as four numbers separated by periods. An IP domain can be determined by a Domain Name Service lookup of the last number in the IP address. Again, if useful in inferring a language preference (block 137), the languages of the IP domain are determined (block 138) and returned (block 139). In the described embodiment, the predominant language for the domain specified in the IP address of the client 12 is selected. Otherwise, if no IP address is provided (block 137), English is returned (block 140).

In this section, Lamping et al. discloses that the languages of a country to which an IP domain is assigned may be determined and returned. Nowhere in this section, or elsewhere, does Lamping et al. disclose an interface characterizer determining the at least one preferred country using

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interface characteristics that comprise at least one country accepted by a user interface from which the search query was received, as required by claim 1.

Lamping et al. also does not disclose a search result orderer determining an order for presenting the search results and adjusting the determined order for at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country, as recited in claim 1. The Examiner alleged that Lamping et al. discloses a search result orderer determining ordering at least some of the search results based on the at least one preferred country, and cited paragraphs 17, 43, and 81 and Fig. 9 of Lamping et al. for support (final Office Action, page 21). Applicants respectfully disagree with the Examiner's interpretation of Lamping et al.

Paragraph 17 of Lamping et al. states:

[0017] A further embodiment provides a system and method for providing preferred language ordering of search results. A search query describing potentially retrievable information provided in a plurality of search result languages is received. A search is executed by evaluating the search query against information characteristics maintained in a searchable data repository. At least one preferred language applicable to search results generated responsive to the executed search is dynamically determined. At least some of the search results are ordered in consideration of the at least one preferred language.

In this section, Lamping et al. discloses dynamically determining a preferred *language* (not country). Nowhere in this section, or elsewhere, does Lamping et al. disclose a search result orderer determining an order for presenting the search results and adjusting the determined order for at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country, as recited in claim 1.

Paragraph 43 of Lamping et al. states:

[0043] The language promoter 34 performs two primary functions. First, the language promoter 34 determines one or more preferred languages 39 and, optionally, one or more less preferred languages 40 for each search query 36, as further described below with reference to FIG. 7. In one embodiment, such preferred languages 39 may be determined

using a language selector (not shown). Second, the language promoter 34 orders the search results 38 in consideration of the preferred languages 39 and, if available, the less preferred languages 40, as further described below with reference to FIG. 10. In one embodiment, such search results 38 may be ordered using a search result orderer (not shown). For efficiency, the language promoter 34 preferably orders a subset of the most promising search results 38, typically in the range of 15 to 30 search results, although other ranges could be used, as would be recognized by one skilled in the art.

In this section, Lamping et al. discloses determining a preferred *language* (not country) using a language promoter. Nowhere in this section, or elsewhere, does Lamping et al. disclose a search result orderer determining an order for presenting the search results and adjusting the determined order for at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country, as recited in claim 1.

Paragraph 81 of Lamping et al. is reproduced above and discloses that the languages of a country to which an IP domain is assigned may be determined and returned. Nowhere in this section, or elsewhere, does Lamping et al. disclose a search result orderer determining an order for presenting the search results and adjusting the determined order for at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country, as recited in claim 1.

Paragraph 77 of Lamping et al. is reproduced above, describes Fig. 9, and discloses determining a preferred *language* (not country) based on user interface characteristics. Nowhere in this section, or elsewhere, does Lamping et al. disclose a search result orderer determining an order for presenting the search results and adjusting the determined order for at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country, as recited in claim 1.

For at least these reasons, Applicants submit that claim 1 is not anticipated by Lamping et

al. Claims 6-11 depend from claim 1 and are, therefore, not anticipated by Lamping et al. for at least the reasons given with regard to claim 1.

Amended independent claim 12 incorporates the features of canceled claims 13 and 14, and is directed to a method that includes receiving a search query, performing a search based on the search query to identify search results from a plurality of search result countries, dynamically determining at least one preferred country applicable to the search results using interface characteristics that comprise at least one country accepted by a user interface from which the search query is received, ordering the search results, adjusting the order of at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country, and presenting the search results in the adjusted order.

Lamping et al. does not disclose the combination of features recited in claim 12. For example, Lamping et al. does not disclose dynamically determining at least one preferred country applicable to the search results using interface characteristics that comprise at least one country accepted by a user interface from which the search query is received, as recited in claim 12. The Examiner alleged that Lamping et al. discloses determining at least one preferred country using interface characteristics that comprise at least one country accepted by the user interface (with respect to claims 13 and 14), and cited paragraphs 77 and 81 of Lamping et al. for support (final Office Action, pages 25 and 26). Applicants respectfully disagree with the Examiner's interpretation of Lamping et al.

Paragraph 77 of Lamping et al. is reproduced above and discloses determining a preferred *language* (not country) based on user interface characteristics. Nowhere in this

section, or elsewhere, does <u>Lamping et al.</u> disclose dynamically determining at least one

preferred country applicable to the search results using interface characteristics that comprise at

least one country accepted by a user interface from which the search query is received, as recited

in claim 12.

Paragraph 81 of <u>Lamping et al.</u> is reproduced above and discloses that the languages of a

country to which an IP domain is assigned may be determined and returned. Nowhere in this

section, or elsewhere, does <u>Lamping et al.</u> disclose dynamically determining at least one

preferred country applicable to the search results using interface characteristics that comprise at

least one country accepted by a user interface from which the search query is received, as recited

in claim 12.

<u>Lamping et al.</u> also does not disclose adjusting the ordering of at least one of the search

results among other ones of the search results based on whether the at least one of the search

results is from the at least one preferred country, as recited in claim 12, for at least reasons

similar to reasons given with respect to claim 1.

For at least these reasons, Applicants submit that claim 12 is not anticipated by <u>Lamping</u>

<u>et al.</u> Claims 17-22 depend from claim 12 and are, therefore, not anticipated by <u>Lamping et al.</u>

for at least the reasons given with regard to claim 12.

Amended independent claim 24 is reproduced above. <u>Lamping et al.</u> does not disclose

the combination of features recited in claim 24. For example, <u>Lamping et al.</u> does not disclose

means for determining the at least one preferred country using interface characteristics that

comprise at least one country accepted by a user interface from which the search query was

received, and means for adjusting the determined order for at least one of the search results

among other ones of the search results based on whether the at least one of the search results is

from the at least one preferred country, as recited in claim 24. The Examiner rejected claim 24

"for the same rationale as applied to claims 1 hereinabove." (final Office Action, page 28).

Thus, Applicants submit that claim 24 is not anticipated by Lamping et al. for at least the reasons

given with regard to claim 1.

Amended independent claim 25 is reproduced above and incorporates the features of

canceled claim 26. Lamping et al. does not disclose the combination of features recited in claim

25. For example, Lamping et al. does not disclose a user interface characterizer determining a

country accepted by a user interface, and a country selector selecting the country as the at least

one preferred country, as recited in claim 25. The Examiner alleged that Lamping et al.

discloses a user interface characterizer determining a country accepted by a user interface, and a

country selector selecting the country as the at least one preferred country (with respect to claim

26), and cited paragraphs 15, 43, 46, and 81 of Lamping et al. for support (final Office Action,

page 29). Applicants respectfully disagree with the Examiner's interpretation of Lamping et al.

Paragraph 15 of Lamping et al. states:

[0015] The present invention provides a system and method for dynamically determining
preferred languages and ordering search results in response to a search query. User
preferred and less preferred languages are determined based on an evaluation of search
query, user interface, and search result characteristics. Search query characteristics are
determined from metadata describing the search query. User interface characteristics are
determined also using the search query metadata, as well as client-side and server-side
preferences and the Internet protocol (IP) address of the client. Search result
characteristics are determined based on an evaluation of each search result. Search results
retrieved responsive to the search query are ordered based on the method utilized by the
search engine to organize the search results in consideration of the preferred and, if
selected, less preferred languages. The search results are ordered by either a
predetermined shifting factor or by adjusting a numerical score assigned to each search
result by a weighting factor and resorting the search results.

In this section, Lamping et al. discloses determining a preferred *language* (not country) based on

user interface characteristics. Nowhere in this section, or elsewhere, does Lamping et al. disclose a user interface characterizer determining a country accepted by a user interface, and a country selector selecting the country as the at least one preferred country, as recited in claim 25.

Paragraph 43 of Lamping et al. is reproduced above and discloses determining a preferred *language* (not country) using a language promoter. Nowhere in this section, or elsewhere, does Lamping et al. disclose a user interface characterizer determining a country accepted by a user interface, and a country selector selecting the country as the at least one preferred country, as recited in claim 25.

Paragraph 46 of Lamping et al. states:

[0046] To determine the preferred languages 39 and less preferred languages 40, the language promoter 34 evaluates search query characteristics (SQ Chars) 43, user interface characteristics (UI Chars) 44, and search result characteristics (SR Chars) 45. The search query characteristics 43 may be determined from the metadata 48. The user interface characteristics 44 may be determined from the metadata 48, and any available language preferences 42, which may be maintained by the server II (server-side) independently of each search query 36. The search result characteristics 45 may be determined from the search results 38.

In this section, Lamping et al. discloses determining a preferred *language* (not country) using user interface characteristics. Nowhere in this section, or elsewhere, does Lamping et al. disclose a user interface characterizer determining a country accepted by a user interface, and a country selector selecting the country as the at least one preferred country, as recited in claim 25.

Paragraph 81 of Lamping et al. is reproduced above and discloses that the languages of a country to which an IP domain is assigned may be determined and returned. Nowhere in this section, or elsewhere, does Lamping et al. disclose a user interface characterizer determining a country accepted by a user interface, and a country selector selecting the country as the at least one preferred country, as recited in claim 25.

Lamping et al. also does not disclose a country promoter dynamically determining at least one preferred country applicable to the search results, ordering the search results, and adjusting the ordering of at least one of the search results among other ones of the search results based on whether the at least one of the search results is from the at least one preferred country, as recited in claim 25, for at least reasons similar to reasons given with respect to claim 1.

For at least these reasons, Applicants submit that claim 25 is not anticipated by Lamping et al. Claims 29-41 depend from claim 25 and are, therefore, not anticipated by Lamping et al. for at least the reasons given with regard to claim 25.

Amended independent claim 42 incorporates the features of claim 43, and is directed to a method that includes receiving a search query, executing a search by evaluating the search query against information from a plurality of search result countries that is maintained in a searchable data repository, determining at least one preferred country applicable to search results generated responsive to the executed search, determining a country accepted by a user interface, selecting the country as the at least one preferred country, and ordering at least some of the search results based on the at least one preferred country, where the order of one of the search results among other ones of the search results is based on whether the one of the search results is from the at least one preferred country.

Lamping et al. does not disclose the combination of features recited in claim 42. The Examiner rejected claim 42 "for the same rationale as applied to claims 25 hereinabove." (final Office Action, page 35). Thus, Applicants submit that claim 42 is not anticipated by Lamping et al. for at least the reasons given with regard to claim 25. Claims 45-58 depend from claim 42 and are, therefore, not anticipated by Lamping et al. for at least the reasons given with regard to

claim 42.

Amended independent claim 60 is reproduced above. Lamping et al. does not disclose the combination of features recited in claim 60. The Examiner rejected claim 60 "for the same rationale as applied to claims 25 hereinabove." (final Office Action, page 39). Thus, Applicants submit that claim 60 is not anticipated by Lamping et al. for at least the reasons given with regard to claim 25.

Amended independent claim 61 incorporates the features of canceled claim 62, and is directed to a system that includes a parser receiving a search query request message and parsing at least one of terms or attributes from the search query request message to identify Web content provided from a plurality of search result countries, an indexer executing a search by evaluating the at least one of terms or attributes against information maintained in a searchable data repository and generating search results responsive to the executed search, and a country promoter determining at least one preferred country. The country promoter includes a country determiner evaluating characteristics of a user interface, and selecting the at least one preferred country based on the evaluated characteristics, and a country orderer determining an order for at least some of the search results among other ones of the search results based on whether the at least some of the search results are from the at least one preferred country. The system further includes a presenter presenting the search results in the determined order.

Lamping et al. does not disclose the combination of features recited in claim 61. For example, Lamping et al. does not disclose a country promoter that includes a country determiner evaluating characteristics of a user interface, and selecting the at least one preferred country based on the evaluated characteristics, as recited in claim 61. The Examiner alleged that

Lamping et al. discloses a country promoter that includes a country determiner evaluating

characteristics of the user interface, and selecting the at least one preferred country based on the

evaluated characteristics, and cited paragraphs 43 and 81 of Lamping et al. for support (final

Office Action, pages 39 and 40). Applicants respectfully disagree with the Examiner's

interpretation of Lamping et al.

Paragraph 43 of Lamping et al. is reproduced above and discloses determining a

preferred *language* (not country) using a language promoter. Nowhere in this section, or

elsewhere, does Lamping et al. disclose a country promoter that includes a country determiner

evaluating characteristics of a user interface, and selecting the at least one preferred country

based on the evaluated characteristics, as recited in claim 61.

Paragraph 81 of Lamping et al. is reproduced above and discloses that the languages of a

country to which an IP domain is assigned may be determined and returned. Nowhere in this

section, or elsewhere, does Lamping et al. disclose a country promoter that includes a country

determiner evaluating characteristics of a user interface, and selecting the at least one preferred

country based on the evaluated characteristics, as recited in claim 61.

Lamping et al. also does not disclose a country orderer determining an order for at least

some of the search results among other ones of the search results based on whether the at least

some of the search results are from the at least one preferred country, as recited in claim 61. The

Examiner alleged that Lamping et al. discloses a country orderer ordering at least some of the

search results based on the at least one preferred country, and cited paragraphs 68 and 81 of

Lamping et al. for support (final Office Action, page 40). Without acquiescing in the

Examiner's allegations, Applicants submit that Lamping et al. does not disclose a country

orderer determining an order for at least some of the search results among other ones of the

search results based on whether the at least some of the search results are from the at least one

preferred country, as currently recited in claim 61.

For at least these reasons, Applicants submit that claim 61 is not anticipated by <u>Lamping</u>

<u>et al.</u> Claims 62-68 depend from claim 61 and are, therefore, not anticipated by <u>Lamping et al.</u>

for at least the reasons given with regard to claim 61.

Amended independent claim 69 incorporates the features of canceled claim 70, and is

directed to a method that includes receiving a search query request message and parsing at least

one of terms or attributes from the search query request message to identify Web content

provided from a plurality of search result countries, executing a search by evaluating the at least

one of terms or attributes against information maintained in a searchable data repository and

generating search results responsive to the executed search, and determining at least one

preferred country. The determining the at least one preferred country includes evaluating

characteristics of a user interface, and selecting the at least one preferred country based on the

evaluated characteristics. The method further includes determining an order for the search

results among other ones of the search results based on whether the search results are from the at

least one preferred country, and presenting the search results in the determined order.

<u>Lamping et al.</u> does not disclose the combination of features recited in claim 69. The

Examiner rejected claim 69 "for the same rationale as applied to claims 61 hereinabove." (final

Office Action, page 43). Thus, Applicants submit that claim 69 is not anticipated by <u>Lamping et</u>

<u>al.</u> for at least the reasons given with regard to claim 61. Claims 72-76 depend from claim 69

and are, therefore, not anticipated by <u>Lamping et al.</u> for at least the reasons given with regard to

claim 69.

Amended independent claim 78 is reproduced above. Lamping et al. does not disclose

the combination of features recited in claim 78. The Examiner rejected claim 78 "for the same

rationale as applied to claims 69 hereinabove." (final Office Action, page 45). Thus, Applicants

submit that claim 78 is not anticipated by Lamping et al. for at least the reasons given with

regard to claim 69.

Amended independent claim 79 incorporates the features of canceled claim 80, and

recites a method that includes executing a search in response to a search query to generate search

results, ordering the search results based on a degree of match with the search query,

determining a preferred country, wherein the preferred country is determined based on an

interface characteristic comprising a country accepted by a user interface, and reordering at least

some of the search results based on the preferred country.

Lamping et al. does not disclose the combination of features recited in claim 79. For

example, Lamping et al. does not disclose determining a preferred country, wherein the preferred

country is determined based on an interface characteristic comprising a country accepted by a

user interface, as recited in claim 79. The Examiner alleged that Lamping et al. discloses

dynamically determining a preferred country, wherein the preferred country is determined based

on an interface characteristic comprising a country accepted by a user interface (with respect to

claims 79 and 80), and cited paragraphs 77 and 81, and Fig. 9 of Lamping et al. for support (final

Office Action, page 45). Applicants respectfully disagree with the Examiner's interpretation of

Lamping et al.

Paragraph 77 of Lamping et al. is reproduced above, discusses Fig. 9, and discloses

determining a preferred *language* (not country) based on user interface characteristics. Nowhere in this section, or elsewhere, does <u>Lamping et al.</u> disclose determining a preferred country, wherein the preferred country is determined based on an interface characteristic comprising a country accepted by a user interface, as recited in claim 79.

Paragraph 81 of <u>Lamping et al.</u> is reproduced above, discusses Fig. 9, and discloses that the languages of a country to which an IP domain is assigned may be determined and returned. Nowhere in this section, or elsewhere, does <u>Lamping et al.</u> disclose determining a preferred country, wherein the preferred country is determined based on an interface characteristic comprising a country accepted by a user interface, as recited in claim 79.

For at least these reasons, Applicants submit that claim 79 is not anticipated by <u>Lamping et al.</u> Claims 83-87 depend from claim 79 and are, therefore, not anticipated by <u>Lamping et al.</u> for at least the reasons given with regard to claim 79.

Amended independent claim 88 recites a device that includes a memory to store a plurality of instructions, and a processor to execute instructions in the memory. The processor orders search results based on a degree of match with a search query, determines a preferred country based on an interface characteristic comprising a country accepted by a user interface, and reorders at least some of the search results based on the preferred country.

<u>Lamping et al.</u> does not disclose the combination of features recited in claim 88. For example, <u>Lamping et al.</u> does not disclose a processor that determines a preferred country based on an interface characteristic comprising a country accepted by a user interface, as recited in claim 88. The Examiner alleged that <u>Lamping et al.</u> discloses a processor that determines a preferred country based on an interface characteristic comprising a country accepted by a user

interface, and cited paragraphs 17, 43, and 81, and Fig. 9 of <u>Lamping et al.</u>, for support (final

Office Action, page 48). Applicants respectfully disagree with the Examiner's interpretation of

<u>Lamping et al.</u>

Paragraph 17 of <u>Lamping et al.</u> is reproduced above and discloses dynamically

determining a preferred *language* (not country). Nowhere in this section, or elsewhere, does

<u>Lamping et al.</u> disclose a processor that determines a preferred country based on an interface

characteristic comprising a country accepted by a user interface, as recited in claim 88.

Paragraph 43 of <u>Lamping et al.</u> is reproduced above, and discloses determining a

preferred *language* (not country) using a language promoter. Nowhere in this section, or

elsewhere, does <u>Lamping et al.</u> disclose a processor that determines a preferred country based on

an interface characteristic comprising a country accepted by a user interface, as recited in claim

88.

Paragraph 81 of <u>Lamping et al.</u> is reproduced above, discusses Fig. 9, and discloses that

the languages of a country to which an IP domain is assigned may be determined and returned.

Nowhere in this section, or elsewhere, does <u>Lamping et al.</u> disclose a processor that determines a

preferred country based on an interface characteristic comprising a country accepted by a user

interface, as recited in claim 88.

For at least these reasons, Applicants submit that claim 88 is not anticipated by <u>Lamping</u>

<u>et al.</u>

Amended independent claim 89 recites a computer-readable medium that stores

computer-executable code that includes instructions for executing a search in response to a

search query to generate a ranked set of search results, instructions for determining a preferred

country based on an interface characteristic comprising a country accepted by a user interface,

and instructions for reordering at least one search result of the ranked set of search results based

on the preferred country.

Lamping et al. does not disclose the combination of features recited in claim 89. The

Examiner rejected claim 89 "for the same rationale as applied to claims 88 hereinabove." (final

Office Action, page 49). Thus, Applicants submit that claim 89 is not anticipated by Lamping et

al. for at least the reasons given with regard to claim 88.

For at least the foregoing reasons, Applicants respectfully request the reconsideration and

withdrawal of the Section 102(e) rejection of pending claims 1, 6-12, 17-22, 24, 25, 29-40, 42,

45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89 as allegedly anticipated by Lamping et al.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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